

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11cv68**

SYNOVUS BANK,)	
)	
Plaintiff,)	
)	
vs.)	<u>MEMORANDUM OF</u>
)	<u>DECISION AND ORDER</u>
JUDSON MAURER,)	
)	
Defendant/)	
Third-Party Plaintiff,)	
)	
vs.)	
)	
SYNOVUS FINANCIAL CORP. d/b/a)	
NATIONAL BANK OF SOUTH)	
CAROLINA, et al.,)	
)	
Third-Party Defendants.)	
<hr/>)	

THIS MATTER is before the Court on the Third Party Defendant Synovus Financial Corp.'s Motion to Dismiss Defendants' Second Amended Third Party Claims [Doc. 54] and the Plaintiff Synovus Bank's Motion to Dismiss the Defendants' Second Amended Counterclaims [Doc. 56].

Also pending before the Court is the case of Synovus Bank v. Coleman, Civil Case No. 1:11cv66 (W.D.N.C.). The facts, legal issues, and causes of action asserted by the parties in the present case are virtually identical to

those presented in Coleman, and the same attorneys represented the parties in both cases.¹ Even though the cases have not been consolidated, the decision of this Court in the Order being entered contemporaneously herewith in Coleman addresses and disposes of all of the issues raised by the motions currently before the Court in this matter. The Order in Coleman, therefore, is incorporated herein, and the current motions will be disposed of in accord therewith.

ORDER

IT IS, THEREFORE, ORDERED that the Third Party Defendant Synovus Financial Corp.'s Motion to Dismiss Defendant's Second Amended Third Party Claims [Doc. 54] is **GRANTED**, and the Defendant's Second Amended Third Party Claims against Synovus Financial Corp. are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Plaintiff Synovus Bank's Motion to Dismiss the Defendant's Second Amended Counterclaims [Doc. 56] is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Bank's Motion

¹Following the close of briefing on the present Motions to Dismiss, Defendant Maurer's attorneys were permitted to withdraw as attorneys of record in this case. [Doc. 63]. Defendant Maurer proceeds in this matter *pro se*. [See Doc. 64].

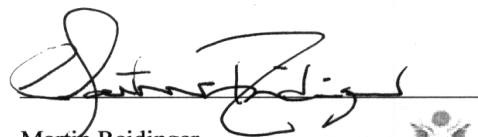
to Dismiss the Defendant's ILSA claim is **DENIED**. In all other respects, the Bank's Motion to Dismiss is **GRANTED**, and all of the Defendant's counterclaims, with the exception of his ILSA claim, are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the parties shall conduct an initial attorneys' conference within fourteen (14) days of the entry of this Order and shall file a Certificate of Initial Attorneys' Conference within seven (7) days thereafter.

IT IS FURTHER ORDERED that the Clerk is directed to mail to Defendant Maurer, via first class mail, a copy of this order along with a copy of the contemporaneous order in Coleman that has been incorporated herein.

IT IS SO ORDERED.

Signed: August 15, 2012

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

